

United States District Court

MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

TIVARI TYRELL MUSGROVE

CASE NUMBER:

1:06mj134-DRB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 12, 2004, in Dale county, in the Middle District of Alabama defendant did,

knowingly and with intent to deceive, falsely represent a number to be the Social Security account number assigned to him by the Secretary when in fact such is not the Social Security account number assigned to him by the Secretary,

in violation of Title 42 United States Code, Section(s) 408(a)(7)(B),

I further state that I am a(n) U.S. Immigration & Customs Enforcement Agent and that this complaint is based on the following facts:

Official Title

See attached Affidavit which is incorporated by reference herein

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Bale T

Signature of Complainant

Sworn to before me and subscribed in my presence,

NOVEMBER 27, 2006

Date

at MONTGOMERY, ALABAMA

City and State

DELORES R. BOYD, U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Delores R Boyd
Signature of Judicial Officer

AFFIDAVIT

I, Blake Diamond, first being duly sworn, do hereby state and affirm that:

I am a duly sworn Special Agent of the U.S. Immigration and Customs Enforcement (ICE) assigned to the office of the Assistant Special Agent in Charge (ASAC) - Mobile, Alabama. I have been employed as a federal agent for approximately ten years. My principal assignment has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality.

On September 29, 2006, Alabama State Trooper Curtis Coachman was contacted by Investigative Tech II Leah Bedsole about a fraudulent issued Alabama Identification Card (XXX9403). Trooper Coachman conducted an investigation that revealed that on August 26, 2002, Tivari Tyrell MUSGROVE visited the Dale County Probate Office in Ozark, Alabama and obtained a duplicate Alabama Identification Card (XXX9403) in the name of Timmy Denard Murry. Trooper Coachman obtained two (2) felony warrants for Criminal Possession of Forged Instrument in the Second Degree.

On October 31, 2006, Trooper Coachman arrested Tivari Tyrell MUSGROVE at Gulf Coast Railroad Services located at 1769 Jody Parker Road in Ozark, Alabama. He was transported to the Dale County Jail in Ozark, Alabama. At the time of his arrest, MUSGROVE was in possession of the Alabama Identification Card (XXX9403) and a Social Security Card (XXX-XX-5427) in the name of Timothy D. Murry.

On November 02, 2006, I visited the Dale County Jail and interviewed Tivari Tyrell MUSGROVE. I gave MUSGROVE his Miranda Warnings at which time he waived his right to counsel and agreed to answer questions without the presence of an attorney. Upon questioning, he freely and voluntarily admitted to being a native and citizen of the Bahamas, who last entered the United States sometime in 1998 or 1999 as a student to attend Carroll High School in Ozark, Alabama. He admitted that he currently has no authorization to reside or work in the United States legally.

He also admitted that sometime in 2001 or 2002 he lived at the Ozark Villa Apartments with a Timothy Denard Murry. Murry moved out of the apartment and left behind his Alabama Identification Card (XXX9403) and a Social Security Card (XXX-XX-5427). MUSGROVE found the documents and began using them to gain employment at several different businesses in the Ozark and Dothan, Alabama area. He admitted that he used the documents to

obtain employment at Gulf Coast Railroad Services in Ozark, Alabama. He claimed that Timothy Murry had no idea he was using the documents.

On November 02, 2006, I visited Gulf Coast Railroad Services and met with Michael Bird (owner). He provided me with a copy of the Alabama Identification Card (XXX9403) and a Social Security Card (XXX-XX-5427) used by MUSGROVE to obtain employment. He claimed that MUSGROVE was working under the name Timothy Denard Murry and that he started his employment on November 12, 2004.

On November 02, 2006, I contacted Francis Tatum with the Social Security Administration in Montgomery, Alabama. She conducted a search of their database with the number XXX-XX-5427. The search revealed that the number was registered to Timothy Denard Murry, who is a U.S. citizen born in Mississippi.

Tivari Tyrell MUSGROVE is in violation of, Title 42, United States Code, Section 408(a)(7)(B): Whoever knowingly with intent to deceive, falsely represents a number to be the Social Security account number assigned by the Secretary to him or to another person, when in fact such number is not the Social Security account number assigned by the Secretary to him or to such other person, that is Social Security number XXX-XX-5427. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisonment for not more than 5 years, or both.



Blake Diamond, Affiant
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to and subscribed before me this 27th day of November, 2006.



DELORES R. BOYD
United States Magistrate Judge